

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6755

BILL NUMBER: SB 223

DATE PREPARED: Dec 14, 1998

BILL AMENDED:

SUBJECT: Breastfeeding in public.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that it is a defense for a person charged with public indecency that the person was breastfeeding her child in a public place.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill creates a defense for the Class D felony of public indecency, a crime punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor. The defense also applies to the Class A misdemeanor provision of the crime. Crime sentences are dependent upon mitigating and aggravating circumstances.

Explanation of State Revenues: If fewer court cases occur and less fines are collected, revenue to both the Common School Fund and the state General Fund could decrease. The maximum fine for a Class D felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If fewer defendants are detained due to this bill's provisions, local expenditures for jail operations may decrease. The average cost per day is approximately \$44.

Explanation of Local Revenues: If fewer court actions and guilty verdicts occur, local governments would receive less revenue for the following sources: (1) The county general fund receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed,

and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.